IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.MC.No. 1854 of 1996()

CC.236/1995 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

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PETITIONERS:

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1. C.N.MOHANAN, S/O.SHRI NARAYANAN,
CHANGAPLACKAL HOUSE,
VELLARAMJUTHU, POOYAMKUTTY P.O.,
IDUKKI DISTRICT.

2. A.M.VIJAYAN, S/O.SHRI MADHAVAN,
AHACKAL VEEDU, VELLARAMKUTHU,
POOYAMKUTTY P.O., IDUKKI DISTRICT.

3. SAKUNTHALA, W/O.SHRI MOHANAN,
CHANJPLACKAL VEEDU,
VELLARAMKUTHU, POOYAMKUTTY P.O.,
IDUKKI DISTRICT.

4. RADHAMONI, W/O.SHRI VIJAYAN,
AALACKAL VEEDU, VELLARAMKUTHU,
POOYAMKUTTY P.O.,
IDUKKI DISTRICT.

5. C.R.UNNI, SON OF SHRI RAMANKUTTY,
CHALAPPURATHU, VELLARAMKUTHU,
POOYAMKUTTY P.O., IDUKKI DISTRICT.

6. C.S.SOMAN, SON OF SHRI SREEDHARAN,
CHACKKIYANIKKAL, VELLARAMKUTHU,
POOYAMKUTTY P.O., IDUKKI DISTRICT.

7. P.K.PEETHAMBARAN, S.O.KANDA,
PACHERIL, VELLARAMKUTHU,
IDUKKI DISTRICT.

8. SUKUMARI, W/O. C.S.SOMAN,
CHAKKIYANIKKAL,
VELLARAMKUTHU, POOYAMKUTTY,
IDUKKI DISTRICT.

BY ADV. SRI.K.P.KYLASANATHA PILLAI
SMT.SREEDEVI KYLASANATH
SRI.P.SREEKUMAR

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. RANGE OFFICER, KUTTAMPUZHA RANGE, MALAYATTOOR DIVISION, IDUKKI DISTRICT.

3. JUDICIAL IST CLASS MAGISTRATE-1, THODUPUZHA, IDUKKI DISTRICT.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.M.C.No.1854 of 1996

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Dated this the 25th day of June, 2007

O R D E R

The petitioners, eight in number, are the accused in cases registered by the forest authorities under Section 27(1) of the Forest Act. It is stated that the first petitioner is accused in C.C.Nos.338/1995, 256/1995, 289/1996, 297/1996 and 298/1996; the second petitioner is accused in C.C.Nos.289/1996, 290/1996, 293/1996 and 298/1996; the third petitioner is accused in C.C.No.289/1996; the fourth petitioner is accused in C.C.Nos.289/1996 and 290/1996; the fifth petitioner is accused in C.C.No.79/1996; the sixth petitioner is accused in C.C.No.236/1995; the seventh petitioner is accused in C.C.No.348/1995 and; the eight petitioner is accused in C.C.No.236/1995. It is the contention of the petitioners that they are tribals and the cases relate to the alleged forest offences in Vellaramkuthu tribal settlement. According to them, the area, wherein the alleged offences have been committed, is

not forest land but revenue puramboke, as per the resurvey records.

2. In the circumstances, the court below, in case the above matters are still pending, is directed to adjudicate this aspect as a preliminary issue. The petitioners/accused are exempted from appearance till then. The petitioners are directed to see that they are represented by counsel and file the required application with notice to the Assistant Public Prosecutor within one month from today.

Crl.M.C is disposed of, as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.M.C.No.1854 of 1996

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O R D E R

25th June, 2007